

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF TENNESSEE  
WESTERN DIVISION

FILED BY *ag* D.C.  
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UNITED STATES OF AMERICA,

VS.

NO. 04-20203-Ma

CALVIN SMITH,

Defendant.

THOMAS M. GOULD  
CLERK, U.S. DISTRICT COURT  
WESTERN DISTRICT OF TENNESSEE  
MEMPHIS

ORDER ALLOWING DEFENDANT TO WITHDRAW GUILTY PLEA

Before the court is defendant's November 21, 2005, motion to withdraw his guilty plea. The government's response in opposition was filed on November 22, 2005. Having considered the motion and response, the court finds that the motion is well taken and should be GRANTED. Defendant is allowed to withdraw his previously entered guilty plea and the matter is set for trial on January 3, 2006, at 9:30 a.m., with a report date on December 23, 2005, at 2:00 p.m. The court finds further that time should be excluded from the date of entry of this order through January 13, 2006, under 18 U.S.C. § 3161(h)(8)(B)(iv) to allow defense counsel additional time to prepare.

IT IS SO ORDERED this the 6<sup>th</sup> day of December, 2005.



SAMUEL H. MAYS, JR.  
UNITED STATES DISTRICT JUDGE



## Notice of Distribution

This notice confirms a copy of the document docketed as number 52 in case 2:04-CR-20203 was distributed by fax, mail, or direct printing on December 12, 2005 to the parties listed.

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Kevin G. Ritz  
U.S. ATTORNEY'S OFFICE- Memphis  
167 N. Main St.  
Ste. 800  
Memphis, TN 38103

Jacob E. Erwin  
WAGERMAN LAW FIRM  
200 Jefferson Avenue  
Ste. 1313  
Memphis, TN 38103

Scott F. Leary  
U.S. ATTORNEY'S OFFICE  
167 N. Main St.  
Ste. 800  
Memphis, TN 38103

Honorable Samuel Mays  
US DISTRICT COURT